

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

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THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2101 of 2019

Annapoorni ... Petitioner/Month of the Detenue

Vs

1. State of Tamil Nadu
Rep.by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai 600 009.
2. The Commissioner of Police
Salem City, Salem. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the second respondent in CMP.No.29/GOONDA/SALEMCITY/2019 dated 30.08.2019 against the petitioner Annapoorni's son by name detenue Muthu male 27/2019, S/o.Perumal now confined in Central Prison, Salem and set aside the same and direct the respondents to produce the detenue before this court and set him at liberty.

For Petitioner : M/s.T.Muruganantham

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the mother of the detenu viz., Muthu, S/o.Perumal, aged 27 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in C.M.P.No.29/Goonda/Salem City/2019 dated 30.08.2019.

2. The detenu came to adverse notice in the following case:

Sl.No.	Police Station and Crime No.	Section of Law
1.	Karipatty Police Station, Crime No.82/2019	174 (3) Cr.PC.@ into 147, 148, 302 IPC r/w 201 & 120(b) IPC

The alleged ground case has been registered against the detenu in Crime No.303 of 2019 on the file of Veeranam Police Station for offences u/s.341, 392 & 397 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner would mainly focus his argument on the ground that the arrest of the detenu has been intimated through SMS. In support of his contention, learned counsel invited the attention of this Court to Page No.83 the Booklet - Arrest Intimation Form, wherein it has been mentioned 'SMS SENT THROUGH 8012124406', which would vitiate the detention.

5. We have heard learned Additional Public Prosecutor on the above submissions.

6. In the light of the fact that proper procedure has not been followed in intimating the arrest of the detenu to his blood relatives, we have no hesitation in quashing the order of detention.

7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Muthu, S/o.Perumal, in CMP.No.29/Goonda/SalemCity/2019 dated 30.08.2019 is quashed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar(CCC)

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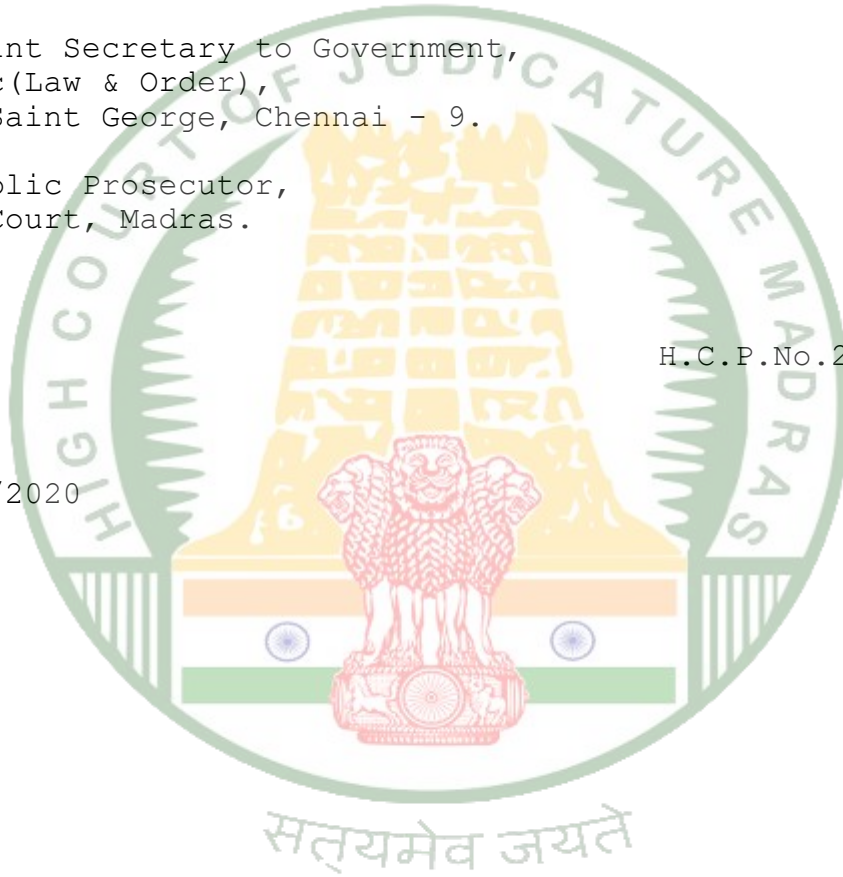
Sub Assistant Registrar

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai 600 009.
2. The Commissioner of Police
Salem City, Salem.
3. The Superintendent of Central Prison,
Salem.
4. The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2101 of 2019

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